IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4123 OF 2004

Navid Ansari & Ors. ...Petitioners

Versus

Sr.Inspector of Police & Anr. ...Respondents

.....

Mr.G.R.Nadkarni for Petitioners.

Mr.K.V.Saste, A.P.P. for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

OCTOBER 5, 2004.

P.C.

1. Heard Counsel for the parties.

2. Rule. Rule made returnable forthwith, by consent. Mr.Saste, A.P.P. waives notice for Respondents.

3. As short question is involved, the matter is heard for final disposal forthwith, by consent.

4. The short question which arises for consideration in this Application is: whether the Authority can call upon the party to furnish bond during the pendency of proceedings, by way of interim order?

5. Reliance is placed on Section 116(3) of the Criminal Procedure Code, 1973 to contend that there is no power with the Authority to require the party to submit bond during the pendency of the proceedings. There is substance in this submission. In the circumstances, order impugned in this Writ Petition dated 24th June 2004 is set-aside.

6. It is, however, made clear that the Authority shall proceed with the pending enquiry and finally dispose of the same as expeditiously as possible, preferably within four weeks from today, irrespective of the pendency of the present Petition.

7. Application disposed of accordingly.

A.M.KHANWILKAR, J.